

Plaintiff Marlew S.A. (“Plaintiff” or “Marlew”) requests that the Clerk of the United States District Court for the Southern District of Texas, Houston Division, enter default against Defendant BARIVEN, S.A. (“Defendant” or “Bariven”) in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, as follows:

- PLAINTIFF MARLEW S.A.'S REQUEST FOR CLERK'S ENTRY OF DEFAULT AS TO  
BARIVEN S.A.**

4. Thereafter, a third Summons for Bariven was issued on July 22, 2019. (D.E. #11). Service of this Summons on Bariven, together with a copy of Plaintiff's Original Complaint, was effectuated on July 24, 2019 through PDVSA, in care of PDVSA's registered agent. (D.E. #14).

5. On or about July 26, 2019, proof of service was filed with the Court. [D.E. 14].

6. The Summons provided that an answer to the Complaint was due to be filed by Defendant Bariven within 21 days of being served. Accordingly, Defendant Bariven's answer to the Complaint was due to be filed on or before August 14, 2019.

7. As of the filing of this Motion, Bariven has not filed an answer, nor has it otherwise responded to the Complaint.

8. Plaintiff's counsel, by his signature below, verifies that:

A. Despite being properly served with a Summons and the Complaint in this matter, Defendant Bariven has failed to file an answer or other response to the Complaint in the Action, and has failed to present any defenses to Plaintiff's allegations as set forth in the Complaint. The time allowed to file an answer to the Complaint, as to all Defendants, has expired.

B. Pursuant to Federal Rule of Civil Procedure 55(a), when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by law, the clerk shall enter the party's default. Fed. R. Civ. P. 55(a).

C. Defendant Bariven is not an infant or incompetent person. Further, Defendant Bariven is an entity and, as such, is not currently in the military service.

WHEREFORE, Plaintiff respectfully requests that, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the Clerk of this Court enter default against Defendant Bariven S.A., and grant Plaintiff such other and further relief, in law and in equity, the Court deems is just and proper.

The undersigned verifies and certifies that the foregoing factual statements are true and correct to the best of his personal knowledge. 28 U.S.C. § 1746.

*[SIGNATURE PAGE TO FOLLOW]*

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Dated: September 9, 2019

Respectfully submitted,

**EVERSHEDS SUTHERLAND (US) LLP**

By: /s/ David A. Baay

David A. Baay

Texas Bar No. 24027050

Southern District of Texas FBN 5598715

[DavidBaay@eversheds-sutherland.us](mailto:DavidBaay@eversheds-sutherland.us)

1001 Fannin Street, Suite 3700

Houston, TX 77002

Phone: (713) 470-6100

**ATTORNEY-IN-CHARGE FOR MARLEW S.A.**

**EVERSHEDS SUTHERLAND (US) LLP**

Giselle S. Guerra

Texas Bar No. 240275173

[giselleguerra@eversheds-sutherland.com](mailto:giselleguerra@eversheds-sutherland.com)

1001 Fannin Street, Suite 3700

Houston, TX 77002

Phone: (713) 470-6100

**COUNSEL FOR MARLEW S.A.**

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**CERTIFICATE OF SERVICE**

Pursuant to the Texas Rules of Federal Procedure, a true and correct copy of this document was electronically filed in accordance with the United States District Court, Southern District of Texas Procedures for Electronic Filing, and was served via certified mail, on Bariven S.A. by and through its parent company, PDVSA Services, Inc. via its registered agent.

**Via Certified Mail/RRR**

Bariven S.A.  
c/o PDVSA Services Inc.  
Registered Agent: CT Corporation System  
1999 Bryan Street, Suite 900  
Dallas, TX 75201

By: /s/ Giselle S. Guerra  
Giselle S. Guerra

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BARIVEN S.A.**